

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:
2. Species A – Figure 1a
3. Species B – Figure 1b
4. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

5. During a telephone conversation with Bridget Hayden on 12/09/08 a provisional election was made without traverse to Species A.
6. The claims were withdrawn then cancelled in the examiner amendment because the claims were no generic and drawn to a different Species.

EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bridget Hayden on 12/09/08.

The application has been amended as follows:

Cancel 26-32 and 36.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance:

The subject matter of the independent claims could either not be found or was not suggested in the prior art of record. The subject matter not found was a membrane for use with a cannula system that has at least one passage for the insertion of a cannula and at least one cylindrical compressible space arranged parallel or adjacent to the passage. The compressible space is filled with an elastic, closed pore and non-permeable material. The compressible space is also hollow at the same time. This configuration allows for an easier insertion of the cannula since the membrane will have a more efficient compressible zone due to the cylindrical spaces; thus allowing the

passage to exhibit different cross sectional shape (as mentioned in the remarks dated 9/2/08 and specification).

The independent claims also include other patentable subject matter in combination with the other elements or steps of the claim not mention in the above paragraph.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW F. DESANTO whose telephone number is (571)272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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